

TOWN OF MIDDLEBORO RETIREES INSURANCE GROUP (MRIG)
MIDDLEBORO.RETIREES.INS.GROUP@GMAIL.COM
JUNE 2014

This Newsletter can be viewed on our website at - <http://mrig.info/>

LEGAL UPDATE

On June 2nd the Supreme Judicial Court rendered their decision in our case. The following is from the decision: “In this case, we consider which municipal entity, the Board of Selectmen or the Town Meeting, has the authority to establish the percentage of the total monthly premium for insurance coverage by a health maintenance organization (HMO) that is to be paid by a town’s retired employees. We conclude that, pursuant to G.L. c.32B s.16 the Board of Selectmen has such authority.”

Though not the result we were looking for, at least we gave it our best and know we are able to pursue issues legally in court when needed.

This case began back in May 2009 when at Town Meeting the majority of attendees voted to freeze retirees’ contributions for health insurance to what they were paying in 2008. Retirees who were both Retired Massachusetts Teachers Association members and MRIG members requested assistance from MTA Legal in challenging the decision. In November of 2009, the Massachusetts Teachers Association filed suit in Superior Court on behalf of its retired members to enforce the Town Meeting action. In July 2010, MRIG also filed suit for its membership at large for the same purpose. In January of 2011 the Court allowed the Town of Middleborough’s Motion to consolidate the cases and we joined with MTA to defend our case. After several postponements our case was heard in Plymouth Superior Court and a decision against us was rendered in January of 2012. MRIG and MTA entered an appeal of this decision to the Appellate Court. The Supreme Judicial Court then pulled our case to be heard by them and skip the appeal process. We were finally heard in February of 2014 and on June 2nd the decision was rendered against us.

This is the end of all litigation on this issue; there is nowhere else to go in the legal system. As the State legislature has been enacting provisions under pension reform, the question we had of Town Meeting vs. the Board of Selectmen has been settled and in all cities and towns the Board of Selectmen (or its equivalent) had the right to set the health insurance splits.

We also want to extend our thanks to those who participated as named plaintiffs in the MRIG and MTA cases.

This has not been a waste of time and money as health insurance for retirees will be a continuing issue (see next article on Legislation to fix retiree percentage contributions.) The State is continuing to implement “pension reform” and current retirees have been “grandfathered” in many issues but health insurance is very much on the line.

We cannot thank the MTA enough for their assistance in this case, their research department provided hours of work that benefited both cases, and MTA staff lawyers Lee Weissinger and Sandra Quinn along with our Attorney Tom Burns pursued and presented the case as best as anyone could.

Sandra Quinn and Tom Burns were the principal litigators for our case since the beginning in 2010. The MRIG Committee members who worked with them to prepare the litigation hold them in the highest regard for their professionalism, dedication, ability to work as a team and ability to provide clear, down to earth, advice tailored for the layman. We would also like to thank Richard Dailey of Dailey & Associates for volunteering to represent our group at significantly reduced compensation without which we would not have been able to afford to be heard.

Tom Burns' practice includes the areas of civil litigation, business law, contract law, personal injury and wills and trusts and is taking clients at his offices in West Bridgewater.

The following is a personal statement from Attorney Burns:

To the membership of the Middleboro Retirees Insurance Group,

"I would just like to say thank you for the opportunity to represent MRIG in their court case against the Town of Middleborough. Although the outcome was unfortunate, I believe the principles brought forth by the retirees were meritorious and that our position in the litigation was supported by law. Regardless of the outcome, I enjoyed the opportunity to work with MRIG and wish all of its members, and the retirees of Middleborough, good luck in the future."

Thomas J. Burns, III, Esquire
Dailey & Associates
353 West Center Street
West Bridgewater, MA 02379
(508)-588-4800
(508)-588-2067(fax)
tjburns@daileylaw.com

If you want to read the complete decision it will be on our website or go to:

http://weblinks.westlaw.com/result/default.aspx?action=Search&cnt=DOC&db=MA-ORCS-WEB&eq=search&fmgv=c&fn=top&method=TNC&mt=Westlaw&n=1&origin=Search&query=CO%28SJCF+SJCRES+SJCOPJ%29+%26+DA%2806%2F02%2F2014%29+%26+TI%28TWOMEY%29&rit=CLID_QRYRLT823789335196&ritdb=CLID_DB593798335196&riti=1&rp=%2Fsearch%2Fdefault.wl&rs=MACS1.0&service=Search&sp=MassOF1001&srch=TRUE&ss=CNT&sskey=CLID_SSSA153798335196&sy=Split&vr=1.0

LEGISLATION TO FIX RETIREE PERCENTAGE CONTRIBUTIONS

As of this writing, both the House and Senate versions of the state budget include a two-year extension of the municipal health insurance contribution percentage moratorium. This would freeze your contribution percentage to what it is today until 2016. If not signed into law the Board of Selectmen would be free to change retirees' contribution percentage. We are hopeful that this provision will reach the Governor's desk and he will sign it.

This is one of the reasons it is very important to ask questions of those who run for local office their position on retirees' health insurance benefits.

COMING CHANGES TO HEALTH INSURANCE

At the MRIG Annual Meeting May 20, 2014 the following was voted (27 in favor 20 against) as the way to expend all remaining Medicare Mitigation Funds:

To ask the Town to reduce premium payments for a period of 6 months in an amount equally divided between all Medicare subscribers, thus depleting all Medicare Mitigation Funds set aside for Medicare retirees.

As a result of this vote, there will no longer be reimbursements for Tier 3 drugs for Medicare retirees. Non-Medicare retirees will still receive reimbursements (reimbursement forms are available on our website).

We are expecting that you will see your new premium (based on whatever insurance you opted for) to be reduced in your July check. In January you will see the full premium deducted from your check.

Your new cards have been mailed – if you have not received anything by the end of June contact the Treasurer's Office, Brenda Levesque has been named the GIC Coordinator.

Also remember to update your pharmacy with your new information when renewing anything after July 1st. Those who contract for durable medical equipment make sure you contact the provider with your new information.

Now that we are moving to GIC any life-changing event (i.e. birth/adoption of a child, marriage, death, divorce) must be reported to the Treasurer's Office. In most of these cases specific paperwork must be submitted and failure to do so may result in serious consequences from the date of event forward.

OPEN ENROLLMENT – CONSULTANT MEETINGS AND HEALTH FAIR SIGN UP

Thank you to the Treasurer's Office for doing such a good job and making a very confusing issue tolerable. Brenda Levesque was especially helpful, following up with everyone and always with a smile.

This is the breakdown on how the retirees chose a health plan. As you all know we will have the opportunity to pick new plans during open enrollment each year. In future newsletters we would like to review any comments on your experience, good or bad, with your plans.

Report of GIC Health Plans which the retirees took for 2014-2015.					
<u>Medicare Plans:</u>		<u>Non-Medicare Indiv Plans:</u>		<u>Non-Medicare Family Plans:</u>	
Fallon Senior	7	Fallon Direct Ind	3	Fallon Direct Fam	2
HP Enhance	145	Fallon Select Ind	13	Fallon Select Fam	8
Tufts Complement	12	HP PPO Ind	7	HP PPO Fam	1
Tufts Preferred	15	HP Prim Choice Ind	32	HP Prim Choice Fam	33
UniCare Indemnity (OME)	211	Tufts Spirit HMO Ind	7	Tufts Spirit HMO Fam	3
		Tufts PPO Ind	6	Tufts PPO Fam	1
				NHP Fam	4

FUTURE PLANNING FOR HEALTH CARE COSTS

For those non-Medicare retirees, we are again reminding you of the reset in deductibles as of July 1st. There will be a change in the deductible periods from a fiscal year to GIC's calendar year period. Since we will be joining in July 2014 your deductible will reset then and then again on January 1, 2015. To avoid paying these additional deductibles, if you at all can, schedule medical visits prior to June 30, 2014 and after January 1, 2015.

TOWN HEALTH INSURANCE POLICY FOR RETIREES

Current and future retirees may want to keep in mind the following policy the Selectmen voted on April 30, 2012, it has been helpful to some as they plan for the future.

“Employees who are not in the Town's health plan, or who leave the Town's health plan during retirement may enroll in the Town's health plan after a qualifying event or during any annual open enrollment period during their retirement. The Town will pay the penalty for retirees who are required to enroll in Medicare as a result of the Health Insurance Reform Act of 2011 even if the retiree chooses to no longer participate in the Town's health insurance plan.”

The Town has voted a policy where both active employees and retirees (both Medicare and non-Medicare) would be paid to not take the Town's insurance if you can be covered elsewhere. For further information on this you need to contact the Treasurer's Office as there are some conditions attached.

PLYMOUTH COUNTY RETIREES CAN EXPECT 3% COLA

The Plymouth County Retirement Board voted to extend a 3% COLA based on the first \$13,000 of a person's retirement. Again, the Middleborough representative to the Board (Treasurer, Judy MacDonald) voted against it. We should be seeing this in your July check.

MASS. TEACHERS IN STATE BUDGET FOR 3% COLA

Also contained in the State budget is a 3% COLA for teacher retirees, based on the \$13,000 base. If the Governor signs the budget as is, you will also receive your COLA in July.

OFFICERS FOR 2014 – 2015 REAPPOINTED

At the reorganization meeting held after the MRIG Annual Meeting the following officers were reappointed:

Charles Armanetti, Chairman
Mary Cook, Treasurer

Gene Turney, Vice Chairman
Sue McCusker, Secretary

SUB-COMMITTEE APPOINTED

Betty Wainwright, Harry Pickering, June Rogers and Barbara Hadsell have volunteered to look for further benefits that might be available to some of our membership to help pay for their health insurance.

DUES / CONTACT INFORMATION

If you have any questions or you need to change any information, please contact our Treasurer, Mary Cook, at richard.cook2@verizon.net or 508-821-2112 and she will help you. If you are still receiving this newsletter via the U.S. Postal Service and have an e-mail address, please share it with us as we can't produce notices and mail them as rapidly as we can e-mail information. This form is available on our website. You can also fill out and print a copy of this form if you go to the contacts section of our website.

TOWN OF MIDDLEBORO RETIREES INSURANCE GROUP (MRIG) **MEMBERSHIP REGISTRATION – 2014 - \$5.00**

NAME: _____

ADDRESS: _____

CITY/TOWN: _____

E-MAIL: _____

TELEPHONE: _____

☐ **Check here if new address**

ZIP: _____

☐ **Check here if new Email address**

☐ **Check here if new phone**

(This information is confidential and will not be shared with any other person or organization.)

Make checks payable to: MRIG
 c/o Mary Cook
 130 Scadding Street
 Taunton, MA 02780
